

City of



Dover

C9-CPCN-11

Karen
Katie
Angela
Jodi
Kevin
Lefesta

DELAWARE
2009 MAR - 6 AM 9:31

March 6, 2009

Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building Suite 100
Dover, DE 19904

Re: Request to Expedite City of Dover Application for Extension of CPCN

Dear Commission Members;

I am respectfully requesting that the application by the City of Dover for a CPCN to serve the annexed property known as the Bush Farm or Stonebrook Development be expedited. I am making this request because the site construction is planned to begin this spring. The City of Dover is ready and able to serve this project. Given the current economy, it is the best interest for everyone to expedite our application.

Should you have any questions, please do not hesitate to contact me at 736-7005. My e-mail address is tdeprima@doover.de.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony J. DePrima".

Anthony J. DePrima, AICP, ICMA-CM
City Manager

c:\Tony\City Manager\PSC-CPCN

We believe that the Public Service Commission can and should grant this CPCN on the merits of its application. From a practical perspective, Tidewater Utility has had this land in its Wide Area Franchise since 1972 and cannot immediately serve the development.

Should you have any questions, please do not hesitate to contact me at 736-7005. My e-mail address is tdeprima@dover.de.us.

Sincerely,



Anthony J. DePrima, AICP, ICMA-CM
City Manager

CC: CESI
Office of the State Fire Marshal
DNREC - Secretary
Public Health - Secretary
Mayor and City Council

ATTACHMENTS 1-3

ANNEXATION REQUEST APPLICATION

CITY OF DOVER, DELAWARE PETITION FOR AMENDMENT TO MUNICIPAL BOUNDARIES AND ZONE MAP

Dover, Delaware February 5, 20 04

CITY OF DOVER
CITY HALL,
DOVER, DELAWARE
ATTENTION: CITY CLERK
TO THE MAYOR AND COUNCIL OF THE CITY OF DOVER,

The undersigned hereby makes a formal petition to the Mayor and Council of the City of Dover for annexation into the City of Dover pursuant to Article 1, Section 1A of the City Charter and Article 10, Section 5.111 of the Zoning Ordinance, for the premises described below for the purpose of (a): Residential Community with Commercial to serve Community and neighboring area.

Description of Premises:

Address No street address assigned. North side of Dennys Road along both sides of McKee Road

Tax Parcel Number ED-00-56.00-01-45.00

Name and Address of Owner(s) of record Shirley L. Bush 12 Lake Drive Dover, DE 19901

William G. Bush IV 672 Raven Circle Wyoming, DE 19934

Name and Address of Equitable Owner(s) GLMS Development LLC Unit 6, 5177 West Woodmill Drive Wilmington, DE 19808 Robert C. MacLish

Name and Address of Lessee(s) _____

Present County Zoning R-S 1

Proposed City Zoning RM-1, ~~CD-30~~ *as per revised submission 6/15/04*

Present Use Agriculture

Proposed Use Residential and Commercial

Lot Area 133.46 +/- Acres

Lot Width _____ Lot Depth _____

If structures presently on premises complete the following:

Set Back _____	Elevation of Ground Floor Above Center _____
Side Yard Width _____	Line of Street _____
Total Both Side Yards _____	Overall Height _____
Rear Yard Depth _____	Off-Street Parking Spaces _____
Building Coverage _____	Floor-Area Ratio _____

Attached are 20 copies of the requested Site Map and 2 copies of a TYPED legal description for the subject property as prepared by Woodin + Associates LLC

I respectfully request that this petition be presented to the Mayor and Council at its meeting on the _____

day of March 22 A.D. 20 04

Owner (s) of record Shirley L. Bush, William G. Bush IV

Equitable Owner (s) Robert C. MacLish

Lessee (s) _____

PETITION FOR AMENDMENT TO MUNICIPAL BOUNDARIES AND ZONING MAP

September 14, 20⁰⁴

TO THE PLANNING COMMISSION OF THE CITY OF DOVER

The Mayor and Council of the City of Dover have received the above Petition for Annexation. A public hearing will be held by the Mayor and Council on the 23rd day of August AD, 20 04, with respect to the Petition. As per the instruction of the Mayor and Council, this Petition has been referred to the Planning Commission for a recommendation. Submitted herewith are two (2) copies of the existing and/or proposed restrictions or covenants applying to the property.


City Clerk

July 19, 20 04

TO THE MAYOR AND COUNCIL OF THE CITY OF DOVER,

At the meeting on the 19th day of July AD, 20 04
The Planning Commission considered this Petition and recommends to the Mayor and Council of the City of Dover the Petition for Annexation be:

Mr. von Reider moved to recommend to City Council approval of AX-04-02 Lands of Shirley L. Bush and William G. Bush, IV (The Bush Farm) for annexation, subsequent rezoning from RS-1 County zoning to City zoning of RM-1 (Medium Density Residential Zone), seconded by Mr. Winsley and the motion unanimously carried.


Chairman of the Planning Commission

September 14, 20 04

At the meeting on the 23rd day of August, 20 04
A.D. to the Council of the City of Dover considered this Petition and by a vote of _____ to the Council of the City of Dover considered this petition and by a vote of _____ to _____;
Mr. Carey moved for approval of the annexation/rezoning request, as recommended by the Planning Commission. The motion was seconded by Mr. Salters and carried by a unanimous roll call vote.

the ordinance adopted by Council at the above stated meeting was approved by the Mayor on _____,
20 _____.


City Clerk



**Lands of Shirley L. Bush and William G. Bush IV (Bush Farm)
Plan of Services Submission Form
For Municipal Annexation**

Please Submit a Plan of Services to the Office of State Planning Coordination pursuant to §101 of Title 22, Delaware Code for review and acceptance prior final legislative action on municipal annexation. The plan services shall be conducted in accordance to standards or criteria set by the Cabinet Committee on State Planning Issues.

1. Basic Data

- 1.1. Municipality Name: City of Dover**
- 1.2. Municipal Office Address: P.O. Box 475, Dover, Delaware, 19903 or 15 East Loockerman Street, Dover, Delaware, 19901**
- 1.3. Municipal Office Phone Number: Public Works: (302) 736-7025, Planning: (302) 736-7010**
- 1.4. Name of Municipal Contact: Public Works: Scott D. Koenig, P.E., Director
Planning: Jim Galvin Jr. AICP, Director of Planning & Inspections or Dawn E. Melson, AICP, Senior Planner**
- 1.5. Property Name/Description: Lands of Shirley L. Bush and William G. Bush IV (Bush Farm)**
- 1.6. Name/Address of Petitioner: Owner: Shirley L. Bush 672, Raven Circle, Wyoming, DE 19934 and William G. Bush IV, 12 Lake Drive, Dover, DE 19901 and Equitable Owner: CLMS Development, LLC, Unit 6 5177 West Woodmill Drive, Wilmington, DE 19808**
- 1.7. Tax Parcel Identification Numbers: ED-00-056.00-01-45.00-000**
- 1.8. Property Address: North side of Dennys Road along both sides of McKee Road**
- 1.9. Acreage: 134.43 +/- acres**
- 1.10. Locator Map (attach map): See Attachment A**
- 1.11. Concept Plan (if applicable): See Attachments B and C**

Attachment B is the Plan sheet required by the City of Dover Annexation process, which consists of a preliminary boundary survey of the property. Attachment C includes a sheet depicting the initial redevelopment design concept for property as presented by developer and written narrative of the proposed project. Upon annexation

any site development must be in compliance with the City of Dover Land Subdivision Regulations and the Zoning Ordinance.

2. Municipal Services

2.1 Please list the services your municipality provides:

Sewer ☒_

Water ☒_

Trash ☒_

Police/Public Safety ☒_

Fire ☒_

Electric ☒_

Streets ☒_

Street Lighting ☒_

Storm Drainage ☒_

Other ☐ Internet, Library, and Parks & Recreation facilities and programs

3. Planning Information

3.1. Developed Prior to annexation? ☒_X_ Yes ☐_ No (If yes, describe).

Previously the site included a dwelling and related outbuildings and site improvements related to the agricultural use of the land. These structures are no longer extant. The history of site usage is given the project narrative submitted by the applicant. Redevelopment of the site is for a residential subdivision.

3.2. Is property within the Municipal Annexation Plan? ☒_X_ Yes ☐_ No

3.3. How is the parcel depicted on the Municipal Annexation Plan?

☒_X_ Annexation Area ☐_ Short Term Annexation Area

☐_ Long Term Annexation Area ☐_ Area of Concern

☐_ Other (Explain): _____

3.4. What is the land use designation on the Municipal Annexation Plan?

☒_X_ Residential ☐_ Commercial ☐_ Industrial ☐_ Institutional or Community

☐_ Open Space ☐_ Other (Please describe: _____)

3.5. Current Use: Agricultural Land and woodland.

Proposed Use: The conceptual plan for the residential development includes 220 single family detached dwellings, 80 duplex units, and 180 townhouses for a total of 480 residential units.

Current Zoning in County: RS-1 Single Family Residential

Proposed Zoning: RM-1 Medium Density Residential Zone

Allowable Density under zoning: For RM-1 the gross residential density is six (6) dwelling units per acre. The minimum lot size (square feet) varies based on housing unit type.

3.6 Public Water? ☒ Yes, available in vicinity Planned within 10 years ☐ No

3.7 Public Sewer? ☒ Yes, available in vicinity Planned within 10 years ☐ No

4. Public Service Information (Please include name and address if different from municipality)

4.1

4.2 Date of most recent water facilities plan: Last approved plan was completed in 1985 by Whitman, Requardt & Associates. The Department of Public Works has recently signed an agreement with Whitman, Requardt & Associates to update the City of Dover's Water System Master Plan (2004-2024). This update will be complete in the Fall of 2004.

4.3 Please attach a copy of the relevant sections of the water facilities plan. See the 1985 Water Facilities Plan. See also Attachment D. Attachment D is the Comprehensive Plan Update 2003 - Chapter 7 Public Utilities and Community Infrastructure Plan.

4.4 If there is no water facilities plan, please describe the method the water provider uses to determine system capacities, water allocations, and capital expenditures for needed expansions. N/A

4.5 Current system capacity (maximum without capital expenditures): 10 MGD permitted capacity

4.6 Current average water usage: 5 MGD (Winter average), 9 MGD (Summer maximum)

4.7 DNREC Permit allocation: 10 MGD (Max. Withdrawal) DNREC Permit # (22 Different Permits)

4.8 Estimated future water demand inside current municipal boundaries: 7 MGD (Winter average), 10 MGD (Summer maximum)

4.9 Estimated water needed for proposed annexation area: 144,000 gallons per day (GPD) based on a consumption rate of 300 gallons per day per dwelling for 480 units.

4.10 Please attach a letter from the water service provider indicating that water service can be provided to the annexation area. The City of Dover Public Works Department notes that water is available to the site. The developer is responsible for all costs associated with extending service and capacity to the proposed development. It should be noted that this land is currently part of Tidewater Utilities, Inc. Certificate of Public Convenience and Necessity (CPCN) that was previously

granted under a wide area franchise application. Appropriate arrangements for water service must be made prior to final development approval. This may include negotiations between Tidewater and the City of Dover regarding the franchised area. These negotiations are currently underway.

Wastewater System:

- 4.11 Name and address of wastewater service provider: **City of Dover, P.O. Box 475, Dover, Delaware, 19903.**
- 4.12 Name and address of wastewater treatment operator, if different: **Kent County, Department of Public Works, Robert O'Brien Building, 414 Federal Street, Dover, Delaware, 19901**
- 4.13 Date of most recent wastewater facilities plan: **1999, All pump station and interceptors were analyzed. In addition, the gravity sewer system was mapped using AutoCAD.**
- 4.14 Please attach a copy of the relevant sections of the wastewater facilities plan. Initial here that the plan has been attached: **See Attachment E. Attachment E is the Executive Summary of the Wastewater Facilities Management Plan. There is an existing sanitary sewer infrastructure extension which has been provided to the property. The developer's engineer will be responsible for designing and building the infrastructure to connect to the City's existing system so wastewater can be conveyed to Kent County for treatment.**
- 4.15 If there is no wastewater facilities plan, please describe the method the wastewater provider uses to determine system capacities, water allocations, and capital expenditures for needed expansions. **N/A**
- 4.16 Current system treatment capacity (maximum without capital expenditures): **All sanitary sewer flows are transmitted to Kent County for treatment. To our knowledge, the Kent County Wastewater Treatment Facility has the available capacity to serve the proposed development of the property.**
- 4.17 Current average wastewater flow: **Average daily flow for 2003 was 5.95 MGD**
- 4.18 DNREC Permitted discharge: **N/A DNREC Permit # N/A**
- 4.19 Are there TMDL issues or other constraints that would impact the ability of the town to obtain an additional permit allocation from DNREC? **N/A**
- 4.20 Estimated future wastewater demand inside current municipal boundaries
of Approved EDUs: **Approximately 1,500 – 2,000 E.D.U.s**
of Vacant Buildable Acres within existing town: **Estimated 6,000 – 8,000 E.D.U.s over 25 years.**
- 4.21 Estimated future wastewater demand for proposed annexation area: **144,000 gallons per day based on 480 dwelling units.**
- 4.22 Please attach a letter from the wastewater service provider and the wastewater treatment operator (if different) indicating that wastewater service can be provided to the annexation area, and that sufficient wastewater treatment capacity exists or is planned to accommodate this annexation area. **A Letter from Kent County Department of Public Works re: availability of sewer service is attached. See Attachment F. The City of Dover Department Public Works notes that wastewater service facilities are available to this site.**

4.23. Provider of Electricity: **The City of Dover will provide electricity once the property is annexed into the City of Dover and approval of the service territory is granted. This location is currently outside of their Electric Service area.**

4.24. Date of Most Recent Update of Electrical Facilities Plan: **1999-2000.**

4.25. Describe needed electrical upgrades needed, if any. **The City of Dover is planning several electrical system upgrades to increase the reliability of the city's system. All upgrades to extend distribution service to the property will be the responsibility of the developer.**

4.26. If any services are to be provided by another jurisdiction or a public utility regulated by the Delaware Public Service Commission please include written comments of this provider that describe the their ability to provide the necessary services for the proposed annexation. **As stated previously, the Department of Public Works notes that this property is currently located in a CPCN granted to Tidewater Utilities, Inc. under a wide area franchise. The City Electric Department will also attempt a territory change in order to serve this area.**

4.27 Who provides police service to the municipality? What impact will this annexation have on the ability to provide police service to the municipality? (If not municipality in question, please provide a letter verifying ability to provide police service to newly annexed area): **The City of Dover Police Department provides police service to the municipality.**

4.28 Who provides fire service to the municipality? What impact will this annexation have on the ability to provide fire service to the municipality? (Please provide a letter verifying ability to provide fire service to newly annexed area): **The Robbins Hose Fire Department provides fire service to the municipality. However, this proposed annexation area currently is part of the fire service area of the Cheswold Fire Department. This matter will need to be addressed by those entities.**

4.29 Who provides EMS services to the municipality? What impact will this annexation have on the ability to provide emergency medical services to the municipality? **A private service provider provides ambulance service under contract with the City.**

5. Fiscal Analysis

- 5.1. Does the municipality employ paid staff? ☒ Yes ☐ No
If yes, how many paid staff does the municipality employ? (Give number in FTEs) **351 full-time personnel**
- 5.2. For municipalities that provide services, does the municipality use separate enterprise funds for public services? ☒ Yes, **The Water, Sewer, and Electric Utilities are all enterprise funds.** ☐ No
- 5.3. Municipal tax rate: **\$0.411 per hundred dollars of assessed value**
- 5.4. Municipal tax valuation: **Properties are assessed at 100% of market value.**
- 5.5. Please include a copy of the municipality's current fiscal year budget. **The entire City of Dover FY2004 Annual Operating Budget is available online on the City of Dover website at www.cityofdover.com under Information Desk (Public Documents: City of Budget 2004). The City is now operating under the FY2005 Annual Operating Budget.**
- 5.6. Please provide a copy of the municipality's annexation committee report regarding this annexation. **A cover letter summarizing the annexation application review process and the "Petition to Annex and Zone Property" Report is provided.**

Certifications:

The undersigned certify that the information provided in this form is complete and accurate to the greatest extent practicable. We also certify that all required letters from other utility service providers and jurisdictions are attached.

 (Mayor)  (Director of Public Works)

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE REVISION OF THE)
TERRITORY MAPS TO RECOGNIZE THE)
ANNEXATION OF TWO PARCELS OF LAND)
INTO THE BOUNDARIES OF THE ELECTRIC)
SERVICE TERRITORY OF THE CITY OF)
DOVER, KENT COUNTY, DELAWARE)
(FILED SEPTEMBER 13, 2004))

PSC DOCKET NO. 04-346

ORDER NO. 6504

AND NOW, this 9th day of November, 2004;

WHEREAS, the City of Dover ("the City"), Delaware, which owns and operates a municipal electric distribution system for the purpose of distributing and reselling electricity within its duly authorized electric service territory, has notified the Commission of the annexation of two parcels of land previously adjacent to the boundaries of the City; and

WHEREAS, upon notification of such annexation, the Commission is required, by the provisions of 26 Del. C. § 203B(a), to revise the official electric service territory maps to reflect such annexation; now, therefore,

IT IS ORDERED:

1. That the official maps of the Commission which depict the existing electric service territories for all electric utilities within the State of Delaware shall be appropriately revised and modified to show the annexation by the City of Dover of the two parcels of land as more particularly described in the correspondence

and exhibits submitted by the City of Dover and dated September 9, 2004.

2. That the Secretary of the Commission shall provide a copy of this Order to each retail electric supplier for which the Commission has established a retail electric service territory.

3. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Annette McKee

Chair

Joshua M. Turling

Vice Chair

James J. Conway

Commissioner

Charles J. [Signature]

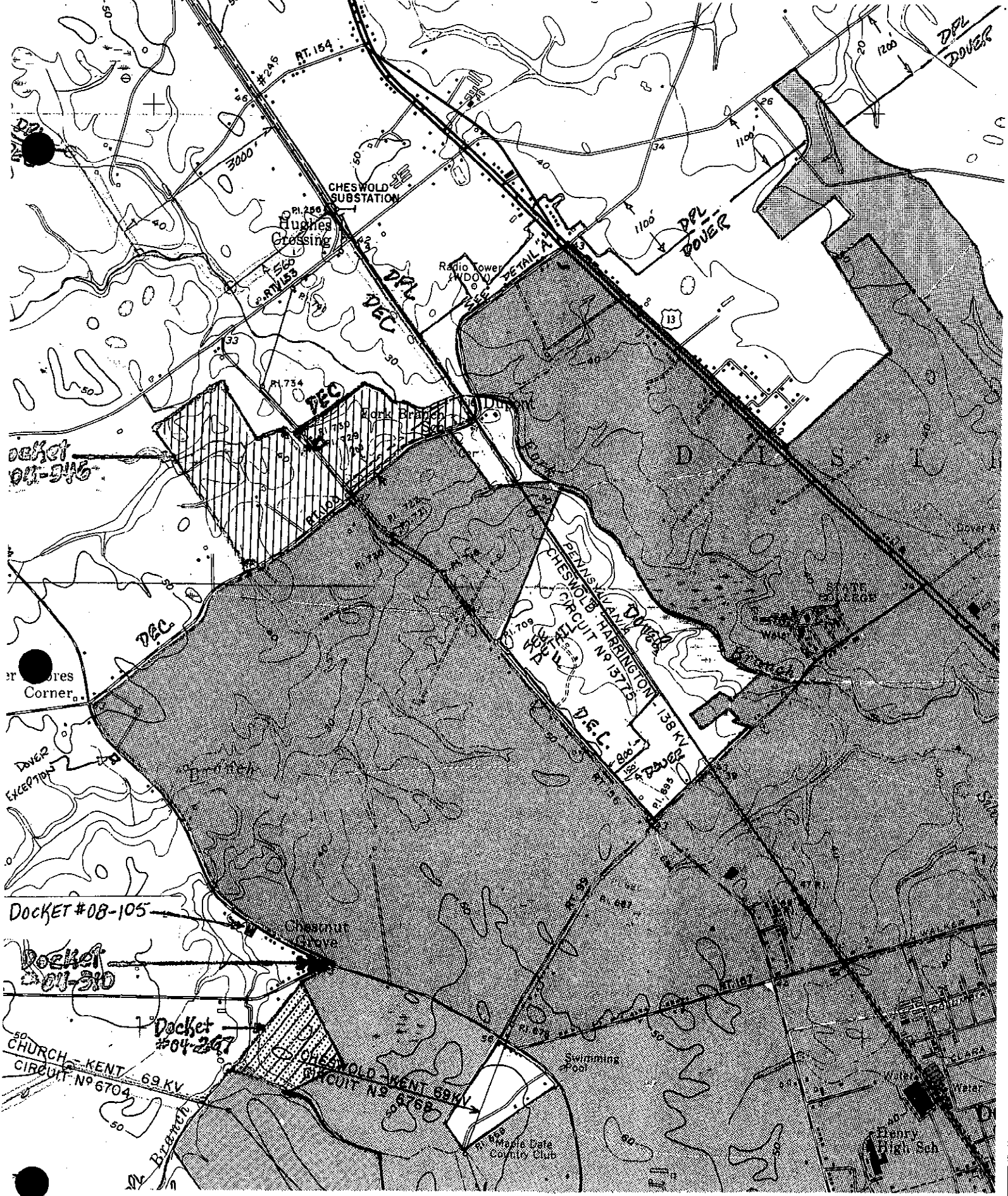
Commissioner

James B. Lister

Commissioner

ATTEST:

Norma J. Sherwood
Secretary, Acting



APPLICATION

**APPLICATION TO THE PUBLIC SERVICE COMMISSION FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO
BEGIN OR EXPAND THE BUSINESS OF A PUBLIC WATER UTILITY**

Application Fee:

- ☒ \$300 to extend or expand existing service territory
☐ \$750 to begin the business of a water utility 26 Del. C. §114(a)

To obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide adequate water service to customers and to meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption, this form of application must be filed for each new or expanding water system pursuant to 26 Del. C. §203C (a).

Name of Water Utility:

City of Dover, Delaware

Description of Proposed Service Area:

133.46 +/- acres of land formerly known as the Bush Farm located on the northeast corner and southeast corners of the intersection of McKee Road and Denny's Road. Land was annexed into the City of Dover on August 23, 2004. Exhibit 1 Show the Bush Farm and location of City of Dover water utility connection ready and available to serve the location.

1. Basis for application:

*The applicant is in possession of one or more petitions requesting water service from the applicant executed by the landowners of record of each parcel or property to be encompassed within the proposed territory to be served (26 Del. C. §203C (e)(1)(b)) . A copy of such evidence is attached as **Exhibit 2**.*

In addition, the City of Dover believes it is fulfilling its duties as a chartered and incorporated municipality to serve its citizens fairly and equitably. The current landowners and developers should be afforded the same level of service as other landowners\developers, including the ability to start the approved construction improvements as planned and approved. More importantly, the future citizens of who will reside in these developments afforded the same water rates and water services as all other citizens of Dover.

Furthermore, the land was annexed into the City of Dover as previously recognized by the Public Service Commission. A Plan of Services to the Delaware Office of State Planning Coordination declaring Dover's intent to serve electric and water utilities was accepted. Dover has received, from the Public Service Commission, approval of extension of electric service boundaries. The City of Dover has invested in water infrastructure so that the Bush Farm lands can exclusively serve the immediate necessity of water.

2. City of Dover requests an informal fact finding procedure during review of application.

3. Questions regarding this application should be directed to:

*Anthony J. DePrima, City Manager
Dover City Hall
P.O. Box 475
Dover, De 19903*

*Phone No.: 302-736-7005
Fax No.: 302-736-7002*

Email address: tdeprima@dover.de.us

- 4. Supporting documentation required by 26 Del. C. §203C(d)(1) or (e)(1), including evidence that all landowners of the proposed territory have been notified of application. A copy of such evidence is attached as *Exhibit 3* "A letter waiving the acknowledging notice and waiving the 30 day notice period".**
- 5. A complete list of county tax map parcel numbers with corresponding names and addresses of property owners and a copy of the tax map(s) for the area. A copy of such evidence is attached as *Exhibit 4*.**
- 6. City of Dover hereby certifies that the extension will satisfy the provisions of 26 Del. C. §403C, including;**
- (a.) The Applicant is currently furnishing water to all present customers in Delaware in such a fashion that water pressure is at least 25 psi at all times at the service connection.*
 - (b.) The Applicant shall furnish water to the house or separate location of each new customer in Delaware at a pressure of at least 25 psi at the connection at each location at all times while continuing also to supply each existing customer at a pressure of at least 25 psi at all times at each service connection at each location.*
 - (c.) The Applicant is currently not subject to a finding by the appropriate federal or state regulatory authority that it has materially failed to comply with applicable safe drinking water or water quality standards; and*
 - (d.) The applicant is not subject to any Order issued by the Commission finding that City of Dover has materially failed to provide adequate or proper safe water services to existing customers.*

7. **A copy of the application must be sent to State Fire Marshal, Public Health Department, and the Department of Natural Resources.**

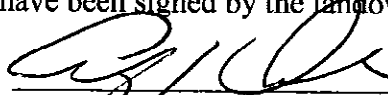
Copies of the application were delivered on or about March 1, 2009.

8. **The applicant must provide the following additional information with this application:**

- 1) **A corporate history including dates of incorporation, subsequent acquisitions and/or mergers.**
City of Dover was incorporated as a City in April 10 1929 (previously incorporated as a Town).
- 2) **A chart, which depicts the inter-company relationships.**
NOT APPLICABLE
- 3) **Map(s) identifying all areas, include all towns, cities, counties and other government subdivisions to which service is already provided;**
See Exhibit 5
- 4) **All copies of Applicant's annual reports to stockholders and that of its subsidiaries, and parent for the last two years.**
NOT APPLICABLE
- 5) **Applicant's audited financial statements, 10K's and all proxy material for the last two years.**
NOT APPLICABLE
- 6) **Any additional information required by PSC Staff will be made available on request.**
NOT APPLICABLE

By filing this application, the **City of Dover, Delaware** hereby certifies that the appropriate tax or land record documents have been reviewed and that according to those documents: the landowners identified in the parcel lists are the landowners of record, and that the petitions contained in this application have been signed by the landowners of record.

Respectfully submitted,

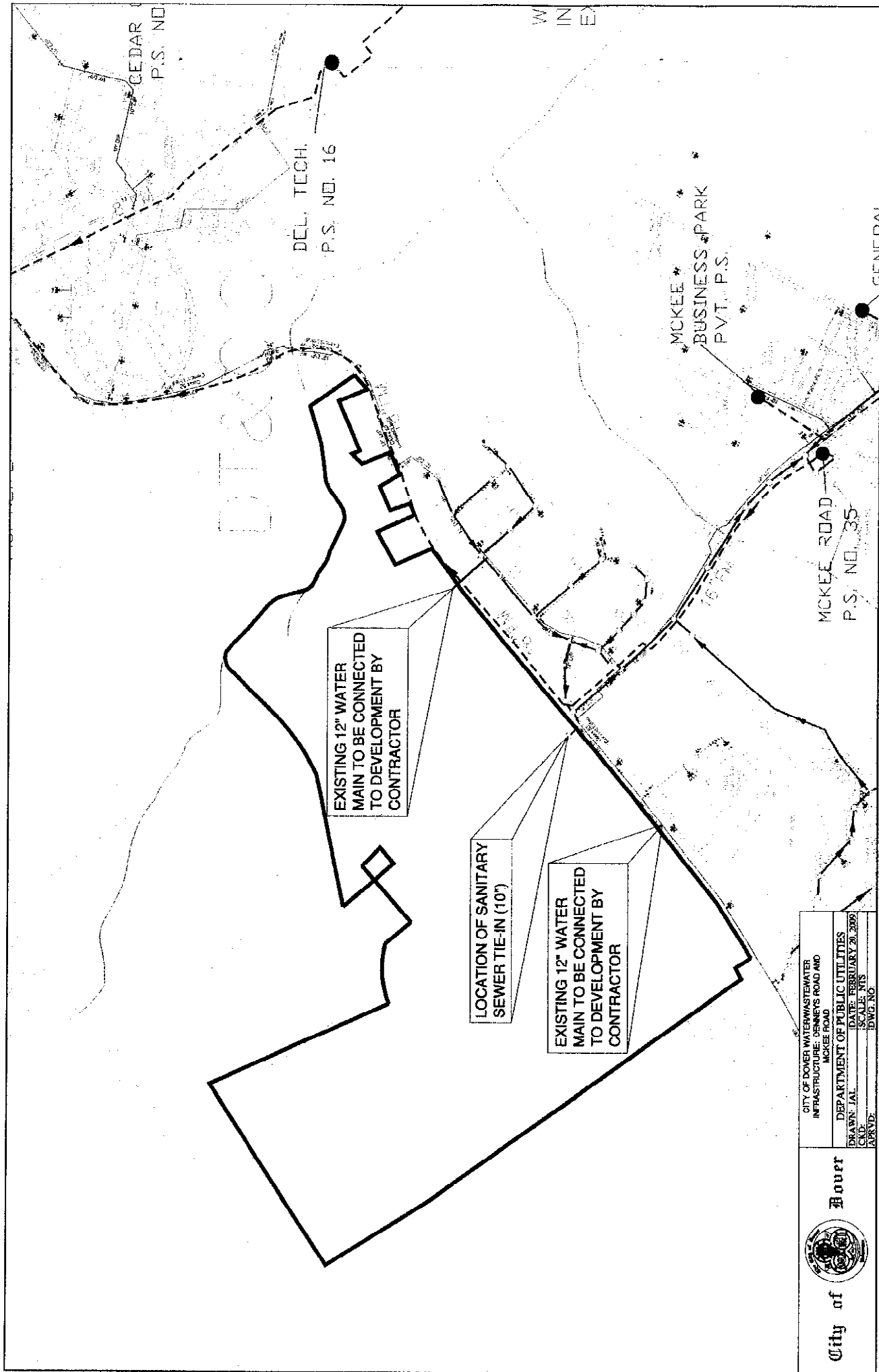


Anthony J. DePrima, City Manager

EXHIBITS 1-5

Exhibit #1

Detail Showing the Proposed
CPCN Area and Location of
Dover Water Infrastructure




EXISTING 12" WATER
MAIN TO BE CONNECTED
TO DEVELOPMENT BY
CONTRACTOR

LOCATION OF SANITARY
SEWER TIE-IN (10")

EXISTING 12" WATER
MAIN TO BE CONNECTED
TO DEVELOPMENT BY
CONTRACTOR

CITY OF DOVER WATER/SEWER INFRASTRUCTURE: DOWNEY ROAD AND MCKEE ROAD	
DEPARTMENT OF PUBLIC UTILITIES	
DRAWN: JAL	DATE: FEBRUARY 20, 2009
CND:	SCALE: NTS
APPRVD:	EDWG. NO.



City of Dover

CITY OF DOVER WATER/SEWER INFRASTRUCTURE: DOWNEY ROAD AND MCKEE ROAD	
DEPARTMENT OF PUBLIC UTILITIES	
DRAWN: JAL	DATE: FEBRUARY 20, 2009
CND:	SCALE: NTS
APPRVD:	EDWG. NO.

Exhibit #2

Petition from Land Owner

CLMS Development, LLC
611 South DuPont Highway
Dover, DE 19901
302 677-1965/ Fax 302 677-1969
RMacleish@LHConstruction.com

February 27, 2009

Anthony J. DePrima, AICP, ICMA-CM
City Manager
City of Dover
P.O. Box 475
Dover, DE 19903-0475

RE: Requesting Water Service

Dear Mr. DePrima,

CLMS Development is requesting that the 134.43 +/- acres of land known as Stonebrook East and West be provided Water Service by the City of Dover in accordance with the annexation of the property. If there are any questions, please contact me at 302-270-1178.

Thank you.

Sincerely,

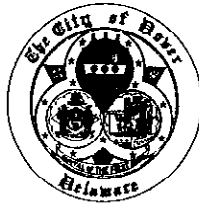


Curtis Larrimore
CLMS Development, LLC

Exhibit #3

Copy of Notice
&
Waiver of 30 Day Requirement

City of



Dover

February 26, 2009

CLMS DEVELOPMENT L.L.C.

ATTN: Curtis Larrimore

951 N. State Street

Dover, DE 19901

Dear Curtis,

(1) Pursuant to Title 26, §203C(e) of the Delaware Code, an application for a Certificate of Public Convenience and Necessity (CPCN) will be submitted to the Delaware Public Service Commission on or about March 1, 2009. Your property has been included within an area the City of Dover intends to serve with public water and we are required to inform you of certain information. The area to be served is 133.46 acre tract owned by CLMS L.L.C. formerly known as the Bush Farm. If you agree to the inclusion of your property in the proposed service area, no action on your part is required.

(2) Pursuant to current law, you may file an objection to receiving water service from the City of Dover. Under Delaware law, the Public Service Commission cannot grant a CPCN to the City of Dover for the proposed service area, including your property, if a majority of the landowners in the proposed service area object to the issuance of the CPCN. If you object to receiving water service from the City of Dover, you must notify the Commission, in writing, within sixty days of your receipt of this notice or within thirty days of the filing of the completed application for a CPCN, whichever is greater.

(3) Pursuant to current law, you may also elect to opt-out of inclusion in the proposed service area. The term "opt-out" means that you decide that you do not want to receive water service from the City of Dover, even if a majority of the landowners in the proposed service area do elect to receive water service from the City of Dover. If you decide that you do not want to receive water service from the City of Dover and instead wish to opt-out, you must notify the Commission, in writing, within sixty days of your receipt of this notice or within thirty days of the filing of the completed application for a CPCN, whichever is greater.

(4) You may also request a public hearing on this matter. A request for a public hearing must be made in writing to the Commission within sixty days of your receipt of this notice or within thirty days of the filing of the completed application for a CPCN, whichever is greater.

(5) The written notice of your decision to object to the issuance of the CPCN, to opt-out of receiving water service from the City of Dover, and/or your written request for a public hearing, shall be sent to the Secretary of the Delaware Public Service Commission at the following address:

**Secretary
Delaware Public Service Commission
861 Silver Lake Blvd., Ste. 100
Dover DE 19904**

(6) Any written notice you send to the Commission must include the description of the service area referred to in paragraph (1) above and the name of the applicant so the Commission will be able to identify the CPCN application to which your notice is related.

(7) Questions regarding objections, opt-outs, and hearings may be directed to:
Anthony J. DePrima, City Manager, PO Box 475, Dover, DE 19904, T:302-736-7005

Should you have any questions, please do not hesitate to contact me at 736-7005. My e-mail address is tdeprima@dover.de.us.

Sincerely,



Anthony J. DePrima, AICP, ICMA-CM
City Manager

CLMS Development, LLC
611 South DuPont Highway
Dover, DE 19901
302 677-1965/ Fax 302 677-1969
RMacleish@LHConstruction.com

February 27, 2009

Anthony J. DePrima, AICP, ICMA-CM
City Manager
City of Dover
P.O. Box 475
Dover, DE 19903-0475

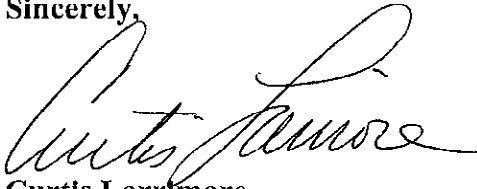
RE: Waiver of the Notice Period

Dear Mr. DePrima,

CLMS Development is waiving their right to the standard 30 to 60 day notice period for the CPCN request for the approved subdivision Stonebrook East. We are not interested in a public hearing or requesting to opt out of City of Dover Water Service.

If there are any questions, please contact me at 302-270-1178. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis Larrimore". The signature is fluid and cursive, with the first name "Curtis" being more prominent and the last name "Larrimore" following in a similar style.

Curtis Larrimore
CLMS Development, LLC

Exhibit #4

Owner of Record,
Tax ID
&
Tax Map

**Owner: CLMS Development, LLC
Attn: Curtis Larrimore
951 N. State Street
Dover, DE 19901**

*Land recently recorded for subdivision.
New tax lot ID have not been determined.

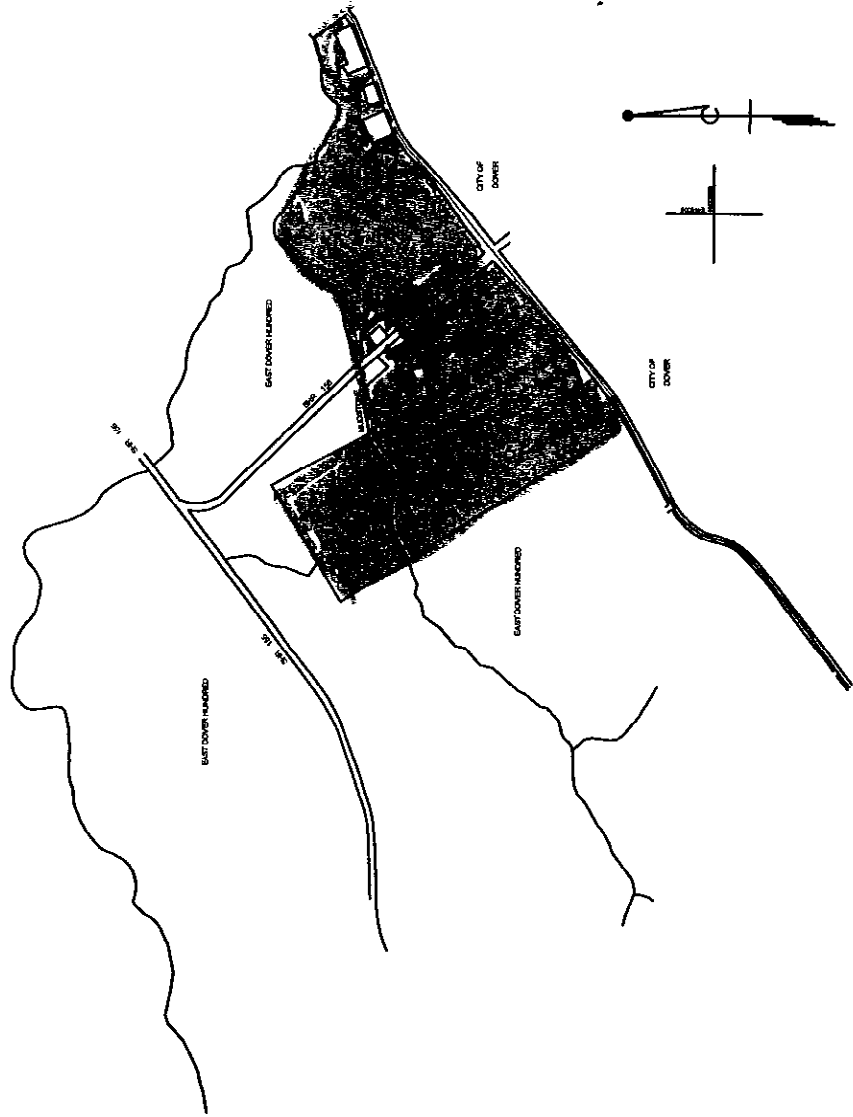
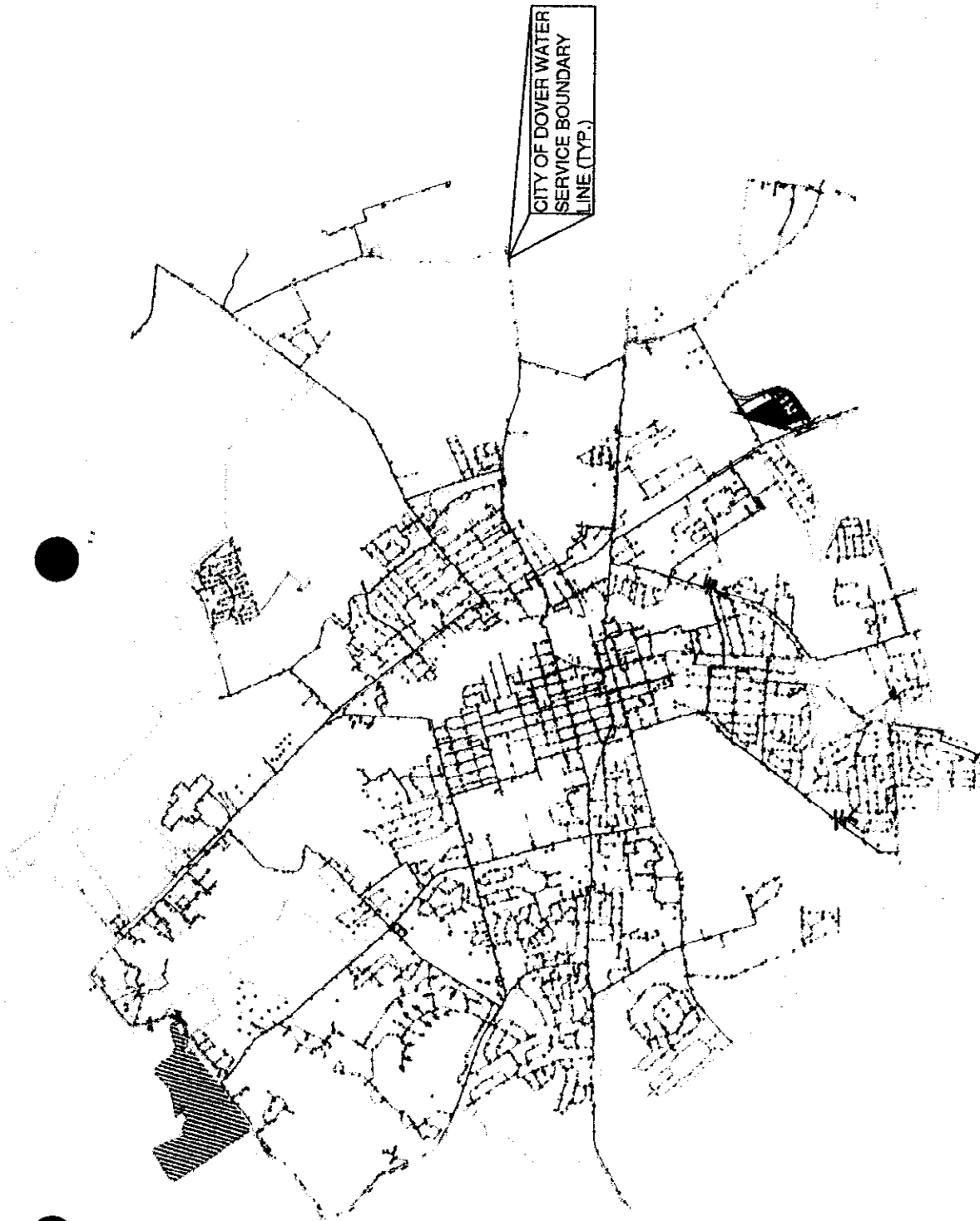

[illegible]

Exhibit #5

Service Area of
City of Dover
Water Utility



 City of Dover	CITY OF DOVER WATER SERVICE BOUNDARY	
	DEPARTMENT OF PUBLIC UTILITIES	
	DRAWN: JAL	DATE: FEBRUARY 25, 2009
	CKD: NIS	SCALE: NTS
APRVD: DWG. NO:		